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PTO/SB/61 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

20040351.DIB

First Named Inventor: Carol W. Readhead Art Unit: 1632

Application Number: 10/008,385

Examiner: Peter Paras, Jr.

Filed: November 12, 2001

Title: TRANSFECTION, STORAGE AND TRANSFER OF MALE GERM CELLS FOR
GENERATION OF TRANSGENIC SPECIES & GENETIC THERAPIES

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9382.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☒ Other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of
Amendment Under 37 CFR 1.111 (identify the type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee of \$ _____

☐ has been filed previously on _____.

☐ is enclosed herewith.

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/31/2004 HALI11 00000004 10008385

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

8/27/04

Date

C. G. Mersereau

Signature

612-339-7461

Telephone Number

C. G. Mersereau

Typed or printed name

26,205

Registration Number, if applicable

NIKOLAI & MERSEREAU, P.A.
900 Second Avenue South

Address

Suite 820, International Centre
Minneapolis, MN 55402

Address

Enclosure ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☐**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

August 27, 2004

Date

Barbara L. Davis

Signature

Barbara L. Davis

Typed or printed name of person signing certificate



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

8/27/04

Date

C. G. Mersereau

Signature

26,205

Registration Number, if applicable

C. G. Mersereau

Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

SEE ATTACHED STATEMENT IN SUPPORT OF PETITION FOR REVIVAL

(Please attach additional sheets if additional space is needed.)

LAW OFFICES
NIKOLAI &
MERSEREAU, P.A.

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August 27, 2004

PATENT APPLICATION
Our Docket No. 20040351.DIB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Carol W. Readhead et al
S.N. : 10/008,385 : Art Unit 1632
Filed : November 12, 2001 : Examiner Peter Paras, Jr.
For : TRANSFECTION, STORAGE AND TRANSFER
OF MALE GERM CELLS FOR GENERATION OF
TRANSGENIC SPECIES & GENETIC THERAPIES

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

Sir:

Transmitted herewith is a Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.135(a), a Statement in Support of Petition for Revival, an Amendment Under 37 CFR 1.111 in response to the Official Action dated October 6, 2003, a Supplemental Information Disclosure Statement, a Form PTO-1449, and a copy of the cited reference in the above-identified patent application.

Enclosed is a check in the amount of \$110.00 to cover the filing fee for the Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.135(a).

The Commissioner is hereby authorized to charge any fees or credit any overpayment under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 08-1265.

Sincerely,

NIKOLAI & MERSEREAU, P.A.



C. G. Mersereau

CGM:bld
Enclosures



PATENT APPLICATION

Our Docket No. 20040351.DIB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Carol W. Readhead et al : August 27, 2004
S.N. : 10/008,385 : Art Unit 1632
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STATEMENT IN SUPPORT OF PETITION FOR REVIVAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

Sir:

The subject application was transferred to and became the responsibility of the undersigned attorney after the events precipitating the unavoidable delay had already occurred. The undersigned attorney is awaiting the receipt of a formal Power of Attorney but, in order to act in an expeditious manner, and to avoid further delays, is submitting this paper prior to receipt of that formal Power.

Formerly, Patent Attorney, Nisan Steinberg (Reg. No. 403,615), was dealing with the matter at the firm of Sidley Austin Brown & Wood originally. Attorney Steinberg left Sidley Austin et al to practice elsewhere and thereafter, Sidley Austin

et al closed their patent prosecution section and the application, together with several others, was transferred to the undersigned attorney for further prosecution.

In conjunction with the above transfer, and in support of the present Petition, a Declaration was prepared by Shanna M. Chustz stating facts relative to the abandonment of the application.

A copy of that Declaration is attached to this Statement as Exhibit A.

The undersigned attorney hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.



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